

**JULY 8, 2019**

**REGULAR SESSION**

The LaGrange County Council met in Regular Session on Monday, July 8, 2019, at their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana 46761, at 8:30 a.m., with the following present: Council Members, Charles F. Ashcraft, Jeffrey L. Brill, Harold D. Gingerich, Steven E. McKowen, Ryan J. Riegsecker, and Michael G. Strawser; and LaGrange County Auditor, Kathryn Hopper. Mr. Peter Cook was absent. Mr. Mike Strawser brought the meeting to order and led the Pledge of Allegiance to the Flag.

**COUNTY JUSTICE BUILDING**

Mr. Jason Boggs, Building Commissioner, gave an update on the County Justice Building.

**TAX ABATEMENT – LEONARD DEHYDRATING, LLC**

Mr. Bill Bradley, LaGrange County Economic Development Corporation President, explained that Leonard Dehydrating, LLC is requesting a five-year abatement for personal property. Mr. Mike Barton from the company was present and explained the need for the new equipment to process dehydrated potatoes to the pet food industry. The following Resolution was presented for consideration:

COUNTY OF LAGRANGE  
RESOLUTION 2019-07-08

A RESOLUTION OF THE LAGRANGE COUNTY COUNCIL FOR THE DEDUCTION FROM ASSESSED VALUATION FOR THE INSTALLATION OF NEW MANUFACTURING EQUIPMENT - LENNARD DEHYDRATING, LLC (MANUFACTURING EQUIPMENT)

WHEREAS, the County Council (the "Council") of the County of LaGrange, Indiana (the "County"), has hereto before found pursuant to I.C. §6-1.1-12.1-2 (the "Act"), and Resolution 2010-3-8a, as amended by Resolution 2010-04-12a (collectively the "ERA Designation Resolution"), that the real estate described on Exhibit "A" attached hereto and incorporated herein is, and within, an Economic Revitalization Area; and

WHEREAS, the ERA Designation Resolution provided for deductions from assessed valuation for the installation of new manufacturing equipment; and

WHEREAS, Lennard Dehydration LLC (the "Applicant"), has paid all required filing fees and, pursuant to the ERA Designation Resolution, has filed with the Council a Statement of Benefits Personal Property/Form SB-1/PP for the installation of new manufacturing equipment for consideration and approved for the installation of new logistical distribution equipment for consideration and approval, a copy of which is attached hereto as Exhibit "B" and incorporated herein; and

WHEREAS, said Statement of Benefits have been reviewed by the Council and duly considered at a duly held public meeting of said Council; and

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE, INDIANA, THAT:

**SECTION I**

The Council makes and confirms those findings necessary for approving the Statement of Benefits, those findings being to-wit:

1. The said described real estate is located within the jurisdiction of the Council for purposes set forth in I.C. §6-1.1-12.1-2; and
2. That the installation of new manufacturing equipment described herein would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of the County; and

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3. That the approval of the Statement of Benefits will assist in the inducement of a project that will provide employment opportunity to residents of the County; and
4. That the estimated increase in employment, increase in annual salaries, and the cost value of the installation of new manufacturing equipment, as set forth in the Statement of Benefits are reasonably expected to occur as a result of the proposed project thus justifying the deductions; and
5. That the estimate of the cost of the new manufacturing equipment is reasonable for equipment of the types set forth by the Applicant in the Statement of Benefits; the estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the installation of new manufacturing equipment; the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed installation of new manufacturing equipment; and the totality of benefits, is sufficient to justify the deduction.

SECTION II

Pursuant to the ERA Designation Resolution, the type of deductions that are allowed by this Resolution is limited to the installation of new manufacturing equipment. This limitation on the type of deduction allowed is established pursuant to I.C. §6-1.1-12.1-2(i)(2).

SECTION III

Based on the Statement of Benefits submitted by the Applicant, including: (i) the total amount of the Applicant's investment in real and personal property; (ii) the number of new full-time equivalent jobs created; (iii) the average wage of the new employees compared to the state minimum wage; and (iv) the infrastructure requirements for the Applicant's investment, the Council authorizes that the deduction from assessed valuation for the installation of new manufacturing equipment shall be for a period of five (5) years. This time limitation is established pursuant to I.C. §6-1.1-12.1-4.5(e) and I.C. §6-1.1-12.1-17.

Pursuant to I.C. §6-1.1-12.1-4.5(c) and I.C. §6-1.1-12.1-17, the percentage to be used in calculating the deduction shall be as follows:

Year of Deduction	Percentage
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%

The amount of deduction applicable to the installation of new manufacturing equipment pursuant to this Resolution is limited to \$630,000.00 cost with an assessed valuation of \$630,000.00. This limitation on the amount of the deduction is established pursuant to I.C. §6-1.1-12.1-2(i)(3).

SECTION IV

The Applicant is responsible for timely filing their respective deduction application forms and certified deduction schedules and personal property returns with the Township Assessor of the township in which the new manufacturing equipment is located (or with the County Assessor if there is no Township Assessor for the Township) within the time periods set forth in the Act.

SECTION V

The Applicant must provide the LaGrange County Auditor and the County, at the time of filing a deduction, and updated within sixty (60) days after the end of each year in which a deduction is applicable, information showing the extent to which the Applicant has been in compliance with the signed Statement of Benefits in accordance with the Act.

SECTION VI

The Council incorporates I.C. §6-1.1-12.1-12 into this Resolution.

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**SECTION VII**

No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of the Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of the Resolution are hereby declared severable.

**SECTION VIII**

This Resolution shall be effective upon promulgation according to law.

Mr. Charles Ashcraft made a motion to approve the Resolution. Mr. Harold Gingerich seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Jeff Brill seconded the motion and carried unanimously.

**TAX ABATEMENT COMPLIANCE**

Mr. Bill Bradley, LaGrange County Economic Development Corporation President, presented a list of the LaGrange County Tax abatements for review. Mr. Harold Gingerich made a motion that the abatements presented are in compliance with the exception AJ's Furniture. Mr. Steve McKowen seconded the motion and it carried unanimously.

**DRAINAGE FUNDS**

Mr. Zack Holsinger, County Surveyor, explained that there is not enough money in the General Drain Improvement fund for projects that need to be completed. The Council requested that the County Auditor advertise an additional appropriation for the August meeting to make \$50,000 available from Riverboat. The Council discussed the possibility of making \$50,000.00 available for 4 years for a total of \$200,00.00 from the Riverboat Fund to the GDI fund.

**ARC OPPORTUNITIES – 2020 BUDGET REQUEST**

Mrs. Debra Seman, ARC Opportunities Chief Executive Officer, presented the 2020 budget request.

**4-H CLUB ASSOCIATION**

Ms. Tammy Kauffman, 4-H Club Association Vice President, presented the 2020 budget request.

**COMMISSARY REPORT**

Mr. Jeff Campos, County Sheriff, presented the 2019 Jail Commissary report. Mr. Charles Ashcraft made a motion to accept the report. Mr. Harold Gingerich seconded the motion and it carried unanimously.

**SHERIFF – EQUIPMENT PURCHASE**

Mr. Jeff Campos, County Sheriff, explained that the scanner and x-ray equipment for the Justice Building will cost \$26,831. He would like to pay for this out of the LIT Public Safety fund. The Council will act on a transfer of funds in the LIT Public Safety fund in August.

**COMMUNITY CROSSING GRANT**

Mr. Randy VanWagner, Highway Superintendent, presented nine proposed projects for the Community Crossing Grant. The projects require letters of financial support from the Council. Mr. Steve McKowen made a motion to support the grant. Mr. Jeff Brill seconded the motion and it carried unanimously.

**PARK – GRANT REQUEST**

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Mr. Mike Metz, Park Director, requested permission to apply for a grant from the US Fish and Wildlife Service. The grant would be for \$350,000 for land acquisition for the Larimer Fen. Mr. Jeff Brill made a motion to approve applying for the grant. Mr. Steve McKowen seconded the motion and it carried unanimously.

**JOINT ORDINANCE CREATING GEOGRAPHIC INFORMATION SYSTEM AND ELECTRONIC MAP FUND**

Mr. Mike Strawser presented the following Geographic Information System and Electronic Map Fund Joint Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2019-07-08A

A JOINT ORDINANCE CREATING A GEOGRAPHIC INFORMATION SYSTEM (GIS) AND ELECTRONIC MAP FUND AND AUTHORIZING THE GIS COORDINATOR TO CHARGE FEES FOR GIS SERVICES.

WHEREAS, the Board of Commissioners of County of LaGrange (“Commissioners”) and the LaGrange County Council (“Council”), on behalf of LaGrange County, Indiana (“County”) desire to develop and implement an efficient, coordinated, and technologically up-to-date Geographic Information System (“GIS”);

WHEREAS, the Commissioners and Council desire to make the GIS system generally accessible to the public under standardized reasonable usage rules and applicable law;

WHEREAS, in accord with IC § 4-23-7.3-20, the Commissioners maintain the right to control the sale, exchange, and distribution of any GIS data or framework data;

WHEREAS, the Commissioners and Council desire to implement measures to protect the GIS data from improper use or dissemination by users, as well as to protect the County from liability for any errors or discrepancies that may be contained in the GIS data;

WHEREAS, pursuant to IC § 5-14-3-2, GIS electronic maps are copyrightable;

WHEREAS, pursuant to IC § 5-14-3-8(j), subject to approval of the County Council, the Commissioners and Council may charge a uniform, reasonable fee for providing such maps;

WHEREAS, pursuant to IC § 5-14-3-8.5, the Council shall establish an electronic map generation fund to the extent it collects any map fees; *and*

WHEREAS, pursuant to IC § 36-1-3-4, the County has all other powers necessary or desirable in the conduct of its affairs.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE AND BY THE COUNTY COUNCIL OF LAGRANGE COUNTY, INDIANA, JOINTLY, THAT:

ARTICLE I

SECTION I

The Commissioners and the Council hereby repeal, in full, County Ordinance 2011-5-16C.

SECTION II

This ordinance shall be known as the LaGrange County GIS Ordinance.

ARTICLE II

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SECTION I

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “Electronic map” means copyrighted data produced by the County’s GIS.
- “Geographic Information System,” or “GIS,” means the system maintained by the County pursuant to this ordinance.
- “GIS Electronic Map Fee Schedule,” or “Fee Schedule,” means the document that contains the list of map fees.
- “Map fee” means a uniform and reasonable fee based on the County’s cost of maintaining, upgrading, and enhancing an electronic map and its intrinsic GIS equipment and for the direct cost of supplying an electronic map in the form requested by a user.
- “Office” refers to the LaGrange County GIS Office, as further described by this ordinance.
- “User” means an individual or entity who makes a request of the Office for an electronic map; the term includes such person’s legal representatives, agents, and assigns, and, if the person is acting in an agency capacity, the person’s principal.

SECTION II

- A. There is hereby created in the County a GIS Office, which shall be administered by the GIS Coordinator.
- B. The Commissioners may close the Office at any time for any reason by motion.
- C. The goal for the Office is to create a depository of geographical data that is related to various essential County functions and that is a generally convenient resource available for inspection by personnel and users.
- D. The Council shall prudently provide for, maintain, upgrade, and enhance the Office equipment and infrastructure in consideration of the goals of the Office.
- E. The Commissioners hereby delegate to the GIS Coordinator all powers necessary to administer this ordinance in accord with applicable law. The GIS Coordinator may delegate all powers and duties received hereby to an authorized assistant, as appropriate, while retaining full responsibility therefor.

SECTION III

- A. Except as the County may independently agree to the contrary, the County reserves all title, ownership, and intellectual property rights, including copyright, that may exist or be created with an electronic map.
- B. All electronic maps are for personal use only and shall not be used for commercial or political purposes.
- C. All publications, whether printed or electronic, using any electronic map must include a prominent copyright notice, such as: “Copyright, [YEAR], LaGrange County, Indiana.”
- D. By requesting an electronic map from the Office, each user agrees that he or she:
  - 1. recognizes the County’s intellectual property rights to its electronic maps;
  - 2. will not sell, share, or sublicense the electronic map with another person;
  - 3. will maintain the electronic map in a secure environment;
  - 4. will notify the County upon becoming aware that a third-party has obtained the user’s electronic map; *and*
  - 5. will destroy or return the electronic map to the Office after its disuse.
- E. No person who receives an electronic map from a third person shall use the electronic map.

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- F. With respect to a violation of this section or the County's intellectual property rights:
1. a violator may be liable to the County for the infringement of its intellectual property;
  2. the GIS Coordinator may refuse service to a violator until the person has satisfactorily resolved the matter with the Commissioners and provided proof thereof; *and*
  3. if the County is in a contract or agreement with a violator, the County may terminate such, and the violator shall not be entitled to any refund for any map fee paid.

SECTION IV

- A. The Commissioners make the following general disclaimer regarding electronic maps:
1. an electronic map is a representation or copy of an original data source of geographic information and does not constitute a recorded map, survey, or legal document;
  2. an electronic map is for reference only, and no user should use or rely on the electronic map for any reason;
  3. all electronic maps are provided on an "as is" basis;
  4. the County expressly disclaims any and all liability of any nature whatsoever arising out of any use of an electronic map by any person or entity; *and*
  5. the County makes no representation, guarantee, or warranty whatsoever regarding the electronic map including, but not limited to, that the electronic map is accurate, complete, correct, or fit for a particular purpose or use.
- B. By requesting an electronic map from the Office, each user acknowledges the disclaimer provided in this ordinance and agrees to defend, release, indemnify, and save and hold harmless the County and its officers, agents, and employees from any and all causes of action, claims, damages, demands, liabilities, losses, costs, expenses, legal fees, judgments, or other legal, equitable, or administrative proceedings of any kind whatsoever that in any way arises out of, or relates to, directly or indirectly, the actions or omissions of any person or entity in connection with any use of an electronic map, whether such use is authorized or unauthorized.

SECTION V

- A. The Commissioners and the Council hereby approve the GIS Electronic Map Fee Schedule and the map fees contained within, as found in Exhibit A of this ordinance, which is hereby incorporated by reference.
- B. The Commissioners and the Council find the map fees in the Fee Schedule to be the fair, reasonable, and equitable costs of the services provided.
- C. The map fee shall be in addition to any other fee provided by law.
- D. The GIS Coordinator shall charge and collect the map fee in accord with the Fee Schedule.
- E. The GIS Coordinator may waive a map fee related to journalistic or academic research purposes or for a government or non-profit user for non-commercial, non-political uses.
- F. The GIS Coordinator may require the map fee to be paid before any services are rendered.
- G. The GIS Coordinator shall keep an account of any fees collected and then remit the money to the Auditor who shall deposit the money in the Electronic Map Generation Fund.
- H. The GIS Coordinator may periodically update the map fees in the Fee Schedule, subject to Commissioner and Council review.

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- I. The GIS Coordinator may extrapolate from the Fee Schedule appropriate map fees to assess for alternate electronic map production sizes that the Office can produce.
- J. If a user should request a format for a copy of the map that is not readily compatible with the GIS (such as an email copy of a file that exceeds County size limitations), the GIS Coordinator shall prepare a fee estimate for the user, indicating the costs of the professional services that would be required to render the service.

SECTION VI

- A. The GIS Coordinator may create and require a form for all electronic map requests.
- B. The GIS Coordinator shall add to any electronic map request form that he or she may develop the general substance of the acknowledgment and indemnification statement in this ordinance.
- C. The GIS Coordinator should endeavor to prominently display the County's Copyright notice on the County's electronic maps.
- D. The GIS Coordinator shall post either on the electronic map or in a prominent place in the Office the general substance of the following items in accord with this ordinance:
  - 1. the notice of copyright regarding electronic maps;
  - 2. a warning regarding the consequences of a copyright violation;
  - 3. the general disclaimer regarding electronic maps; *and*
  - 4. the Fee Schedule.
- E. Whenever the GIS Coordinator should update the map fees in the Fee Schedule, the GIS Coordinator shall forward two copies of the updated Fee Schedule to the Auditor.

ARTICLE III

- A. Definitions. The definitions contained in the GIS Ordinance shall apply to this article.
- B. (Re-)Establishment. The Auditor shall rename the prior Geographic Information System Fund and reestablish it as the Electronic Map Generation Fund ("Fund") into which shall be deposited all map fees collected by the Auditor. All money in the Fund pursuant to a prior ordinance shall remain in the Fund.
- C. Purpose. Money in the Fund shall be used for GIS purposes, including, but not limited to: maintaining, upgrading, and enhancing the County's electronic maps; reimbursement of expenses incurred by the Office in supplying electronic maps to users; GIS Coordinator training; GIS educational activities produced by the GIS Coordinator; and administrative and other incidental expenses of the Fund or the Office.
- D. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the Council.
- E. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- F. Restrictions. No money in the Fund shall be used for salaries.
- G. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

ARTICLE IV

SECTION I

- A. References.

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1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, program, department, employee, or public servant, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
  2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of the) LaGrange County (Indiana).”
  3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Severability. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- C. Continuance.
1. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
  2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the old ordinances, but rather shall be deemed to be the continuation of the original provisions.
- D. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance shall not be construed to revive any former ordinance, section, clause, or provision.
- E. Effective Date. This ordinance shall be effective upon passage.

Mr. Steve McKowen made a motion to approve the Ordinance. Mr. Ryan Riegsecker seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

**RESOLUTION TO TRANSFER FUNDS**

Mr. Mike Strawser read the following Resolution to Transfer Funds:

BE IT HEREBY RESOLVED THAT the following increases and decreases be made in order to meet the expenses of the units of government for the year 2019.

	<u>DECREASE</u>	<u>INCREASE</u>
<u>COUNTY GENERAL - SHERIFF</u>		
1000-005-01-1306 Jail Corporal (night)	30,000.00	
1000-005-01-1008 Corporal	20,000.00	
1000-005-01-1510 Extra Hours/Overtime		50,000.00
<u>COUNTY GENERAL - SURVEYOR</u>		
1000-006-01-1002 Deputy Surveyor	2,300.00	
1000-006-03-3054 Truck Repair		2,300.00



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1000-009-01-1510 Extra Hours/Overtime	1,000.00	1,000.00
1000-009-03-3012 Travel/Mileage		

**COUNTY GENERAL - ELECTION**

1000-022-02-2010 Supplies	197.99	197.99
1000-022-04-4010 Equipment		

**COUNTY GENERAL - COMMISSIONERS**

1000-030-01-1523 Unemployment	1,600.00	1,600.00
1000-030-03-3011 Employee training		

**LIT - ECONOMIC DEVELOPMENT**

1112-000-01-1522 Health Insurance	35,000.00	35,000.00
1112-000-03-3013 Housing study 2019-county portion		

**MOTOR VEHICLE HIGHWAY**

1176-003-04-4039 Other Road equipment	18,000.00	18,000.00
1176-002-03-3037 Building Repair		

**SURVEYOR'S CORNER PERPETUATION**

1202-000-01-1015 Surveyor Tech	500.00	
1202-000-02-2023 Demolition Hammer	280.00	
1202-000-02-2021 Hand Tools	500.00	
1202-000-04-4014 Misc. Equipment	2,370.00	
1202-000-04-4012 Generator	551.00	
1202-000-04-4010 GPS Equipment		4,201.00

1202-000-03-3025 GPS Survey Work	1,500.00	
1202-000-04-4010 Trailer		1,500.00

**1222 - STATEWIDE 911**

1222-000-01-1007 Asst. IDACS coordinator	50,000.00	
1222-000-01-1510 Extra Hours/Overtime		50,000.00

Mr. Charles Ashcraft made a motion to approve the Resolution. Mr. Steve McKowen seconded the motion and it carried unanimously.

**LEGAL CLAIMS**

Mr. Harold Gingerich presented the legal claims in the amount of \$16,687.50 for May 2019 from Beers, Mallers, Backs & Salin. Mr. Harold Gingerich made a motion to approve. Mr. Steve McKowen seconded the motion and it carried unanimously.

**MINUTES**

Mr. Harold Gingerich made a motion to approve the June 13, 2019 regular session minutes. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

**COUNCIL ON AGING - 2020 BUDGET REQUEST**

Mrs. Cheri Perkins, Council on Aging Executive Director, presented the 2020 budget request.

**ADJOURNMENT**

There being nothing further to come before the Board at this time, Mr. Harold Gingerich made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Steve McKowen seconded the motion and it carried unanimously.

  
Charles F. Ashcraft


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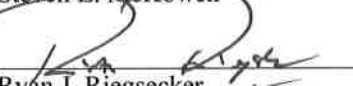
  
Jeffrey L. Brill


Absent

Peter A. Cook

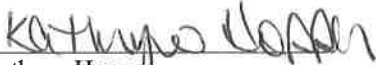
  
Harold D. Gingerich

  
Steven E. McKowen

  
Ryan J. Riegsecker

  
Michael G. Strawser

ATTEST:

  
Kathryn Hopper  
LaGrange County Auditor